

Serial No.: 10/821,933
Docket No.: 101-1029
Amendment dated June 6, 2006
Reply to the Office Action of March 17, 2006

REMARKS

Upon entry of the foregoing Amendment, claims 1-15 and 17-28 are pending in the application. By this Amendment, claim 16 is canceled and claim 17 is amended to incorporate the limitations of claim 16. No new matter is being presented. In view of the following remarks, reconsideration and allowance of all of the pending claims are requested.

A. Allowable Subject Matter

Applicant notes with appreciation the Examiner's indication that claims 1-15 are allowed and that claims 17-21 and 23-28 would be allowable if rewritten in independent form.

By this Amendment, claim 17 is amended to be in independent form, incorporating the limitations of base claim 16. Accordingly, claim 17 is patentable in its present form as indicated by the Examiner. Claims 18-24 depend from claim 17, include all of its limitations, and are thus patentable for the same reasons as claim 17, as well as for their own limitations.

B. §102(b) Rejection Over Kitajima

The Office Action rejects claim 16 under 35 U.S.C. §102(b) as being anticipated by Kitajima (U.S. Patent No. 6,091,912). By this Amendment, claim 16 is canceled, rendering the rejection of this claim moot. Reconsideration and withdrawal of this rejection are thus respectfully requested.

C. §102(b) Rejection Over Ishii

The Office Action rejects claim 22 under 35 U.S.C. §102(b) as being anticipated by Ishii (U.S. Patent Application Publication No. 2002/0041775). Applicants respectfully traverse this rejection for at least the following reasons.

Referring to Figs. 7 and 10 of Ishii, the Office Action states Ishii discloses a printer including a first door 301, a second door 304, a third door 303, and a fourth door 240 provided to open left, top, front, and right sides of a housing of the printer. However, for at least the reasons discussed below, Ishii does not teach or suggest an electrophotographic printer comprising first through fourth doors provided to open left, top, front, and right sides of a housing of the printer, as required by claim 22.

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Fig. 7 of Ishii illustrates a "second example" of an image forming apparatus and is directed to a copying machine. See Ishii at paragraphs [0021] and [0051]. On the other hand, Fig. 10 of Ishii illustrates a "third example" of an image forming apparatus – different from the second example – directed to a printer. See Ishii at paragraphs [0024] and [0062]. However, Ishii does not teach or suggest a single image forming apparatus that includes all of the features illustrated in Fig. 7 (the second example) and Fig. 10 (the third example), and Ishii does not teach or suggest that the parts of the second example are interchangeable or useable with the parts of the third example. Accordingly, Ishii does not teach or suggest a printer including a first door 301, a second door 304, a third door 303, and a fourth door 240 provided to open left, top, front, and right sides of a housing of the printer, as stated by the Office Action.

In addition, the Office Action indicates that the automatic original document feeder 240 illustrated in Fig. 7 of Ishii corresponds to the claimed door provided to open a top side of a housing of an electrophotographic printer. Applicants respectfully disagree. Although Ishii describes that the "second example" copying machine 200 includes an automatic original document feeder 240, Ishii does not teach or suggest that the automatic original document feeder 240 is a door provided to open a top of the copying machine. See Ishii at Fig. 7 and the corresponding description at paragraphs [0051] – [0053]. Thus, Ishii's automatic original document feeder 240 does not correspond to the claimed door provided to open a top side of a housing of an electrophotographic printer. Moreover, Ishii does not teach or suggest that the "second example" copying machine includes four doors provided to open left, top, front, and right sides of a housing of an electrophotographic printer, as required by claim 22.

Furthermore, the Office Action indicates that the unit 304 illustrated in Fig. 10 of Ishii corresponds to the claimed door provided to open a left side of a housing of an electrophotographic printer. Applicants respectfully disagree. Although Ishii describes that the "third example" printer 300 includes a unit 304 (including a fixing device 305) that slides into and out of the main body of the printer 300, this unit 304 is not a door. See Ishii at Fig. 10 and paragraph [0066]. Thus, Ishii's unit 304 does not correspond to the claimed door provided to open a left side of a housing of an electrophotographic printer. Moreover, Ishii does not teach

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or suggest that the "third example" printer includes four doors provided to open left, top, front, and right sides of a housing of an electrophotographic printer, as required by claim 22.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as contained in the...claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236 (Fed. Cir. 1989). "The elements must be arranged as required by the claim..." In re Bond, 910 F.2d 831 (Fed. Cir. 1990). In order for a document to anticipate a claim, the document must teach every element of the claim. See MPEP 2131. Furthermore, in the event that the Office Action is relying on the theory of inherency in any manner, "the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied art." Ex parte Levy, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original). See also MPEP 2112. Accordingly, since Ishii does not teach or suggest each of the limitations recited in claim 22, it is respectfully submitted that this document cannot be properly used to reject claim 22 as submitted in the Office action mailed March 17, 2006.

For at least the reasons discussed above, Ishii does not teach or suggest every limitation of claim 22. Accordingly, claim 22 is not anticipated, and is therefore patentable, over Ishii. Thus, reconsideration and withdrawal of this rejection are respectfully requested.

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D. Conclusion

It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

If any further fees are required in connection with the filing of this amendment, please charge the same to our Deposit Account No. 502827.

Respectfully submitted,

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